

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

MICHAEL BAZZREA, *et al*

Plaintiffs,

v.

LLOYD AUSTIN, III, *et al.*,

Defendants.

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Case No. 3:22-cv-00265

**[PROPOSED] ORDER GRANTING
TEMPORARY RESTRAINING ORDER**

1. On August 16, 2022, Plaintiff U.S. Coast Guard (“Coast Guard”) members Michael Bazzrea, Sabrina Wilder, Courtney Cheatum, Timothy Jorden, and Caleb Wadsworth filed a motion for preliminary injunction, ECF 16, to enjoin Defendant Department of Defense (“DOD”), Department of Homeland Security (“DHS”), the Coast Guard, and the Food and Drug Administration, from implementing the August 24, 2021 DOD COVID-19 vaccine mandate (“DOD Mandate”) and related Defendant actions.

2. The Defendants have Responded (ECF 22), Plaintiffs have Replied (ECF 25), and Defendants were granted an opportunity for Sur-Reply (ECF 37). Those Motions are all pending, but as of yet unresolved.

3. In the interim, Defendants have continued their policy of discharging unvaccinated Coast Guard members and one named Plaintiff is now discharged, another is facing a Board of Inquiry, and another is awaiting final discharge orders with no right to a Board.

4. Plaintiff Wilder has petitioned for an Emergency Temporary Restraining Order for only so long as it takes the Court to adjudicate the pending Motion noted *supra*.

5. Having examined the Motion and enclosures thereto, it is hereby:

ORDERED, that:

- (1) Intervenor Plaintiffs' Emergency Motion for a Temporary Restraining Order is GRANTED ONLY for so long as it takes this Court to publish its decision regarding the pending Motion for Preliminary Injunction; and**
- (2) Defendants DOD, DHS and Coast Guard are enjoined from discharging or disciplining any Plaintiff or Intervenor Plaintiff for failure to comply with the DOD or Coast Guard Mandate until this Court acts on Plaintiffs' Motion for Preliminary Injunction.**

Dated:

Judge Jeffrey V. Brown